

EXHIBIT B

**MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

FRANCINE EMMINO,

Plaintiff,

v.

Case No: 8:21-cv-1609-MSS-AEP

**PHILIPS NORTH AMERICA, LLC,
PHILIPS RS NORTH AMERICA
LLC and KONINKLIJKE PHILIPS
N.V.,**

Defendants.

ORDER

THIS CAUSE comes before the Court for consideration of Defendants Philips North America, LLC and Philips RS North America, LLC's Unopposed Motion to Stay Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer (the "Motion"). (Dkt. 5) Therein, Defendants Philips North America, LLC and Philips RS North America, LLC request that the Court stay this action pending the resolution of a Motion to Transfer brought before the Judicial Panel on Multidistrict Litigation in In re: Philips Recalled CPAP, Bi-Level PAP, and Ventilator Litigation, MDL No. 3014 (J.P.M.L. filed July 7, 2021). (Id.)

Specifically, Defendants advise that they are aware of at least twenty (20) other plaintiffs asserting allegations and claims similar to the ones asserted by Plaintiff in this action. (Id. at 4) Defendants further advise that, on July 7, 2021, a Motion for Transfer and Coordination or Consolidation (the "MDL Motion") was filed with the

coordinate pretrial discovery and proceedings in a multidistrict litigation pursuant to 28 U.S.C. § 1407. (*Id.*) Defendants intend to file a brief with the Judicial Panel on Multidistrict Litigation in support of consolidating the Actions and request that the Court stay this action pending the resolution of the MDL Motion. (*Id.*) Plaintiff does not oppose the relief sought. (*Id.* at 11)

Accordingly, the Court hereby **ORDERS** as follows:

1. Defendants Philips North America, LLC and Philips RS North America, LLC's Motion, (Dkt. 5), is **GRANTED**. This case is **STAYED** pending the resolution of the MDL Motion in In re: Philips Recalled CPAP, Bi-Level PAP, and Ventilator Litigation, MDL No. 3014 (J.P.M.L. filed July 7, 2021).
2. **The Clerk** is directed to **ADMINISTRATIVELY CLOSE** this case. If the MDL Motion is denied, the Parties shall file a motion to reopen this case to proceed with the litigation within **fourteen (14) days** of the denial of the MDL Motion. If the MDL Motion is granted, the matter will remain stayed pending further direction from the MDL court.
3. If the Parties reach a settlement, prompt notice shall be provided to the Court in accord with Local Rule 3.09.

DONE and **ORDERED** in Tampa, Florida, this 29th day of July 2021.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

Any Unrepresented Person

4:21cv111, Heller V. Koninklijke Philips N V Et Al

US District Court Docket

United States District Court, Georgia Middle
(Columbus)

This case was retrieved on 07/27/2021

Header

Case Number: 4:21cv111**Date Filed:** 07/02/2021**Assigned To:** US DISTRICT JUDGE CLAY D LAND**Nature of Suit:** TORTS - Personal Injury - Health

Care/Pharmaceutical Personal Injury/Product Liability (367)

Cause: Diversity-Product Liability**Lead Docket:** None**Other Docket:** None**Jurisdiction:** Diversity**Class Code:** Open**Statute:** 28:1332**Jury Demand:** Plaintiff**Demand Amount:** \$0**NOS Description:** TORTS - Personal Injury - Health

Care/Pharmaceutical Personal Injury/Product Liability

Proceedings

Availability	#	Date	Proceeding Text	Source
	21	07/28/2021	This is a text only entry; no document issued. ORDER granting 16 Motion to Stay pending a ruling regarding consolidation from the judicial panel on multidistrict litigation. Ordered by US DISTRICT JUDGE CLAY D LAND on 07/28/2021 (CCL) (Entered: 07/28/2021)	Events since last full update

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End of Document

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

THOMAS SHRACK, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

KONINKLIJKE PHILIPS N.V.; PHILIPS
NORTH AMERICA LLC; and PHILIPS RS
NORTH AMERICA LLC,

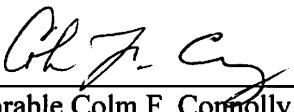
Defendants.

Case No. 1:21-cv-00989-CFC

[PROPOSED] ORDER GRANTING UNOPPOSED MOTION TO STAY

At Wilmington, this 4th day of August, 2021, having considered the Unopposed Motion to Stay filed by Defendants Philips North America LLC and Philips RS North America LLC (together, “Philips”), IT IS HEREBY ORDERED THAT:

1. Philips’ Motion to Stay is GRANTED.
2. The instant action is STAYED and all deadlines, including deadlines for filing of any responsive pleadings by all parties, until the Judicial Panel on Multidistrict Litigation (“JPML”) issues (a) a decision on the Motion for Transfer and Coordination or Consolidation filed on July 7, 2021 in *In re: Philips Recalled CPAP, Bi-Level PAP, and Ventilator Litigation*, MDL No. 3014 (J.P.M.L. filed July 7, 2021) (ECF No. 1-1) (the “MDL Motion”), and (b) a scheduling order for proceedings in a consolidated MDL action is issued.
3. The Parties shall submit a joint status report to the Court within ten (10) days of the JPML’s decision on the MDL Motion and issuance of a scheduling order.



Honorable Colm F. Connolly
Chief U.S. District Court Judge

Sent: Wednesday, August 04, 2021 4:02 PM

To: pawd_ecf@pawd.uscourts.gov

Subject: Activity in Case 2:21-cv-00874-MRH THOMAS v. KONINKLIJKE PHILIPS N.V. et al Order Staying Case

[EXTERNAL EMAIL]

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Western District of Pennsylvania

Notice of Electronic Filing

The following transaction was entered on 8/4/2021 at 4:02 PM EDT and filed on 8/4/2021

Case Name: THOMAS v. KONINKLIJKE PHILIPS N.V. et al

Case Number: [2:21-cv-00874-MRH](#)

Filer:

WARNING: CASE CLOSED on 08/04/2021

Document Number: 19 (No document attached)

Docket Text:

ORDER GRANTING [18] Motion to Stay proceedings until JMPL decision. It is further ORDERED that this matter is hereby administratively CLOSED for the period of the stay. Signed by Chief Judge Mark R. Hornak on 8/4/21. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb)

2:21-cv-00874-MRH Notice has been electronically mailed to:

Arnold Levin alevin@lfsblaw.com

John P. Lavelle, Jr jlavelle@morganlewis.com, dnogowski@morganlewis.com, jhanratty@morganlewis.com

2:21-cv-00874-MRH Notice has been delivered by other means to:

From: ecf_intake_pawd@pawd.uscourts.gov <ecf_intake_pawd@pawd.uscourts.gov>
Sent: Wednesday, August 04, 2021 4:04 PM
To: pawd_ecf@pawd.uscourts.gov
Subject: Activity in Case 2:21-cv-00874-MRH THOMAS v. KONINKLIJKE PHILIPS N.V. et al Order

[EXTERNAL EMAIL]

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Western District of Pennsylvania

Notice of Electronic Filing

The following transaction was entered on 8/4/2021 at 4:03 PM EDT and filed on 8/4/2021

Case Name: THOMAS v. KONINKLIJKE PHILIPS N.V. et al

Case Number: [2:21-cv-00874-MRH](#)

Filer:

WARNING: CASE CLOSED on 08/04/2021

Document Number: 20 (No document attached)

Docket Text:

ORDER. Counsel shall file a Joint Status Report as to any request to lift the stay in this matter. Signed by Chief Judge Mark R. Hornak on 8/4/21. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb)

2:21-cv-00874-MRH Notice has been electronically mailed to:

Arnold Levin alevin@lfsblaw.com

John P. Lavelle, Jr jlavelle@morganlewis.com, dngowski@morganlewis.com, jhanratty@morganlewis.com

2:21-cv-00874-MRH Notice has been delivered by other means to:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS R. STARNER, On Behalf Of : CIVIL ACTION
Himself and All Others Similarly Situated:

v.

KONINKLIJKE PHILIPS N.V., PHILIPS :
NORTH AMERICA LLC and :
PHILIPS RS NORTH AMERICA LLC : NO. 21-2925

ORDER

NOW, this 10th day of August, 2021, upon consideration of Defendants Philips North America LLC's Unopposed Motion to Stay Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer (Doc. No. 14) and the plaintiffs' response, it is ORDERED that the motion is GRANTED.

IT IS FURTHER ORDERED as follows:

1. This action is STAYED pending a decision by the Judicial Panel on Multidistrict Litigation regarding the Motion to Transfer.
2. Counsel shall immediately notify the Court within thirty days of the Panel's ruling.
3. The Pretrial Conference scheduled for August 24, 2021 is CANCELLED.

/s/ TIMOTHY J. SAVAGE J.

U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:21-cv-00983-MRH

AUTRY et al v. KONINKLIJKE PHILIPS N.V. et al
Assigned to: Chief Judge Mark R. Hornak
related Case: [2:21-cv-00874-MRH](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 07/23/2021
Date Terminated: 08/17/2021
Jury Demand: Plaintiff
Nature of Suit: 195 Contract Product
Liability
Jurisdiction: Diversity

Plaintiff

RUSSELL D. AUTRY
and

represented by **Arnold Levin**
Levin Sedran & Berman
510 Walnut Street
Suite 500
Philadelphia, PA 19106
215-592-1500
Fax: 215-592-4663
Email: alevin@lfsblaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sandra Duggan
Levin Sedran & Berman
510 Walnut Street
Ste 500
Philadelphia, PA 19106
215-592-1500
Fax: 215-592-4663
Email: sduggan@lfsblaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

JOSH GLOVER
*on behalf of themselves and all others
similarly situated*

represented by **Arnold Levin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sandra Duggan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

KONINKLIJKE PHILIPS N.V.

Defendant

PHILLIPS NORTH AMERICA LLC

represented by **John P. Lavelle , Jr.**
 Morgan, Lewis & Bockius
 1701 Market Street
 Philadelphia, PA 19103-2921
 (215) 963-4824
 Fax: (215) 963-5001
 Email: jlavelle@morganlewis.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

PHILIPS RS NORTH AMERICA LLC

Date Filed	#	Docket Text
07/23/2021	<u>1</u>	COMPLAINT against KONINKLIJKE PHILIPS N.V., PHILIPS RS NORTH AMERICA LLC, PHILLIPS NORTH AMERICA LLC (Filing fee, including Administrative fee, \$402, receipt number APAWDC-6623833), filed by RUSSELL D. AUTRY, JOSH GLOVER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A) (jv) (Entered: 07/23/2021)
07/23/2021	<u>2</u>	Summons Issued as to KONINKLIJKE PHILIPS N.V.(Main Document), PHILIPS RS NORTH AMERICA LLC, PHILLIPS NORTH AMERICA LLC (Attachments: # <u>1</u> Summons issued as to Phillips RS North America LLC, # <u>2</u> Summons issued as to Phillips North America LLC) (jv) (Entered: 07/23/2021)
07/26/2021	<u>3</u>	NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of the notice on all parties. (jad) (Entered: 07/26/2021)
07/26/2021	<u>4</u>	STANDING ORDER ON CIVIL MOTION PRACTICE. Signed by Chief Judge Mark R. Hornak on 7/26/21. (jad) (Entered: 07/26/2021)
07/26/2021	<u>5</u>	AT&T SCHEDULING NOTICE FOR ALL TELEPHONIC CONFERENCES. Every Telephonic Conference conducted will be via an AT&T call-in number which requires participants to dial-in and provide an access code. When a Telephonic Conference is scheduled you will be instructed to refer back to this Notice and use either Dial-In No. 1 or Dial-In No. 2, both of which are contained in this Notice. This document has a security setting of "Case Participants Only", so only those individuals will have access to view the document. (jad) (Entered: 07/26/2021)
07/27/2021	<u>6</u>	SUMMONS/Return of Service Returned Executed by RUSSELL D. AUTRY, JOSH GLOVER. PHILLIPS NORTH AMERICA LLC served on 7/26/2021, answer due 8/16/2021. (Levin, Arnold) (Entered: 07/27/2021)
08/02/2021	<u>7</u>	NOTICE of Potential Related Action by RUSSELL D. AUTRY, JOSH GLOVER (Levin, Arnold) (Entered: 08/02/2021)
08/03/2021	<u>8</u>	SUMMONS/Return of Service Returned Executed by RUSSELL D. AUTRY, JOSH GLOVER. PHILIPS RS NORTH AMERICA LLC served on 7/27/2021, answer due

		8/17/2021. (Levin, Arnold) (Entered: 08/03/2021)
08/10/2021	<u>9</u>	MOTION for attorney Sandra L. Duggan to Appear Pro Hac Vice, (Filing fee \$70, Receipt # APAWDC-6649824) by RUSSELL D. AUTRY, JOSH GLOVER. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Affidavit) (Duggan, Sandra) (Entered: 08/10/2021)
08/10/2021		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>9</u> Motion to Appear Pro Hac Vice. ERROR: Proposed Order was not attached. CORRECTION: Attorney is advised to file a proposed order by using the Proposed Order event and linking it to <u>9</u> MOTION for attorney Sandra L. Duggan to Appear Pro Hac Vice. (jv) (Entered: 08/10/2021)
08/10/2021	<u>10</u>	Proposed Order re <u>9</u> Motion to Appear Pro Hac Vice by RUSSELL D. AUTRY, JOSH GLOVER. (Duggan, Sandra) (Entered: 08/10/2021)
08/11/2021	<u>11</u>	ORDER GRANTING <u>9</u> Motion for Sandra L. Duggan to Appear Pro Hac Vice. Signed by Chief Judge Mark R. Hornak on 8/11/21. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jad) (Entered: 08/11/2021)
08/16/2021	<u>12</u>	NOTICE of Appearance by John P. Lavelle, Jr on behalf of PHILLIPS NORTH AMERICA LLC. (Lavelle, John) (Entered: 08/16/2021)
08/16/2021	<u>13</u>	Disclosure Statement identifying Koninklijke Philips Naamloze Vennootschap and Philips Holdings USA Inc. as corporate parent or other affiliate, by PHILLIPS NORTH AMERICA LLC. (Lavelle, John) (Entered: 08/16/2021)
08/16/2021	<u>14</u>	Unopposed MOTION to Stay <i>Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer</i> by PHILLIPS NORTH AMERICA LLC. (Attachments: # <u>1</u> Proposed Order) (Lavelle, John) (Entered: 08/16/2021)
08/16/2021	<u>15</u>	BRIEF in Support re <u>14</u> Motion to Stay filed by PHILLIPS NORTH AMERICA LLC. (Attachments: # <u>1</u> Exhibit A) (Lavelle, John) (Entered: 08/16/2021)
08/17/2021	<u>16</u>	ORDER GRANTING <u>14</u> Unopposed Motion to Stay Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer. It is hereby ORDERED that all deadlines and proceedings are hereby STAYED. And it is further ORDERED that this matter is hereby administratively CLOSED for the period of the stay. Signed by Chief Judge Mark R. Hornak on 8/17/21. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 08/17/2021)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ELAINE B. DAVIS

)

)

Plaintiff,

)

)

v.

)

KONINKELIJKE PHILIPS N.V., et

)

al.,

)

Civil Action Number
2:21-cv-01010-ACK

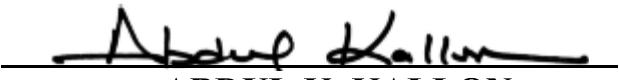
Defendants.

ORDER

For good cause shown, the defendants' motion to stay, doc. 5, is **GRANTED**.

Accordingly, this matter is **STAYED** pending a determination by the Judicial Panel on Multidistrict Litigation.

DONE the 23rd day of August, 2021.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE

STAYED

**U.S. District Court
Northern District of Alabama (Northeastern)
CIVIL DOCKET FOR CASE #: 5:21-cv-01085-LCB**

Ballenger v. Koninklijke Philips NV et al
Assigned to: Judge Liles C Burke
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 08/09/2021
Jury Demand: Plaintiff
Nature of Suit: 367 Health Care/Pharmaceutical Personal Injury
Product Liability
Jurisdiction: Diversity

Date Filed	#	Docket Text
08/31/2021	5	TEXT ORDER granting 2 Motion to Stay. For good cause shown, the defendants' motion to stay is GRANTED, and this matter is STAYED pending a determination by the Judicial Panel on Multidistrict Litigation. Signed by Judge Liles C Burke on 8/31/2021. (KBW) (Entered: 08/31/2021)
08/30/2021	4	Corporate Disclosure Statement by Philips Holding USA Inc, Philips North America LLC, Philips RS North America LLC. filed by Philips Holding USA Inc, Philips North America LLC, Philips RS North America LLC (Owens, Richard) (Entered: 08/30/2021)
08/30/2021	3	Brief re 2 MOTION to Stay <i>Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer</i> . (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B)(Owens, Richard) (Entered: 08/30/2021)
08/30/2021	2	MOTION to Stay <i>Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer</i> by Philips Holding USA Inc, Philips North America LLC, Philips RS North America LLC. (Owens, Richard) (Entered: 08/30/2021)
08/09/2021	1	COMPLAINT WITH JURY DEMAND against All Defendants filed by Jason Ballenger. (Attachments: # 1 Exhibit A)(AHI) (Entered: 08/09/2021)

CLOSED,STAYED

U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:21-cv-01017-MRH

BAUGHMAN v. PHILLIPS N.V. et al
Assigned to: Chief Judge Mark R. Hornak
related Case: [2:21-cv-00874-MRH](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 07/30/2021
Date Terminated: 08/26/2021
Jury Demand: Plaintiff
Nature of Suit: 195 Contract Product
Liability
Jurisdiction: Diversity

Date Filed	#	Docket Text
08/26/2021	15	ORDER GRANTING 13 Unopposed Motion to Stay Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer. It is further ORDERED that this matter is hereby administratively CLOSED for the period of the stay. Signed by Chief Judge Mark R. Hornak on 8/26/21. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 08/26/2021)
08/25/2021	14	BRIEF in Support re 13 Motion to Stay, filed by PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC. (Attachments: # 1 Exhibit A) (Lavelle, John) (Entered: 08/25/2021)
08/25/2021	13	Unopposed MOTION to Stay <i>Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer</i> by PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC. (Attachments: # 1 Proposed Order) (Lavelle, John) (Entered: 08/25/2021)
08/25/2021	12	Disclosure Statement identifying Koninklijke Philips Naamloze Vennootschap; Philips RS North America Holding Corporation; Philips Holdings USA Inc. as corporate parent or other affiliate, by PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC. (Lavelle, John) (Entered: 08/25/2021)
08/25/2021	11	NOTICE of Appearance by John P. Lavelle, Jr on behalf of PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC. (Lavelle, John) (Entered: 08/25/2021)
08/17/2021	10	ORDER GRANTING 9 Motion for Sandra L. Duggan to Appear Pro Hac Vice. Signed by Chief Judge Mark R. Hornak on 8/17/21. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jad) (Entered: 08/17/2021)
08/17/2021	9	MOTION for attorney Sandra L. Duggan to Appear Pro Hac Vice, (Filing fee \$70, Receipt # APAWDC-6660272) by JULIUS BAUGHMAN. (Attachments: # 1 Affidavit, # 2 Exhibit A, # 3 Proposed Order) (Duggan, Sandra) (Entered: 08/17/2021)
08/13/2021	8	SUMMONS/Return of Service Returned Executed by JULIUS BAUGHMAN. PHILIPS RS NORTH AMERICA LLC served on 8/5/2021, answer due 8/26/2021. (Levin, Arnold) (Entered: 08/13/2021)

08/13/2021	7	SUMMONS/Return of Service Returned Executed by JULIUS BAUGHMAN. PHILIPS NORTH AMERICA LLC served on 8/4/2021, answer due 8/25/2021. (Levin, Arnold) (Entered: 08/13/2021)
08/03/2021	6	Summons Issued as to PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC, KONINKLIJKE PHILLIPS N.V. (Attachments: # 1 Summons KONINKLIJKE PHILLIPS N.V., # 2 Summons PHILIPS NORTH AMERICA LLC) (ijh) (Entered: 08/03/2021)
08/03/2021	5	AT&T SCHEDULING NOTICE FOR ALL TELEPHONIC CONFERENCES. Every Telephonic Conference conducted will be via an AT&T call-in number which requires participants to dial-in and provide an access code. When a Telephonic Conference is scheduled you will be instructed to refer back to this Notice and use either Dial-In No. 1 or Dial-In No. 2, both of which are contained in this Notice. This document has a security setting of "Case Participants Only", so only those individuals will have access to view the document. (jad) (Entered: 08/03/2021)
08/03/2021	4	STANDING ORDER ON CIVIL MOTION PRACTICE. Signed by Chief Judge Mark R. Hornak on 8/3/21. (jad) (Entered: 08/03/2021)
08/03/2021	3	NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of the notice on all parties. (jad) (Entered: 08/03/2021)
08/02/2021	2	PRAECIPE to Issue Summons by JULIUS BAUGHMAN (Attachments: # 1 Summons, # 2 Summons, # 3 Summons) (Levin, Arnold) (Entered: 08/02/2021)
07/30/2021	1	COMPLAINT against PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC, KONINKLIJKE PHILLIPS N.V. (Filing fee, including Administrative fee, \$402, receipt number APAWDC-6635870), filed by JULIUS BAUGHMAN. (Attachments: # 1 Exhibit A, # 2 Civil Cover Sheet) (ijh) (Entered: 08/02/2021)

**U.S. District Court
Northern District of Alabama (Southern)
CIVIL DOCKET FOR CASE #: 2:21-cv-01009-ACA**

Davis v. Koninklijke Philips N.V. et al
Assigned to: Judge Annemarie Carney Axon
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 07/22/2021
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Thomas C Davis

represented by **Kimberly J Johnson**

Pope McGlamry Kilpatrick Morrison &
Norwood, P.C.
Lenox Overlook
3391 Peachtree Road, Suite 300
Atlanta, GA 30326
404-523-7706
Fax: 404-524-1648
Email: efile@pmkm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Neal Kirkland Pope
POPE MCGLAMRY, PC
3391 Peachtree Road, NE, Suite 300
Atlanta, GA 30326
404-523-7706
Fax: 404-524-1648
Email: efile@pmkm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Koninklijke Philips N.V.

Defendant

Philips North America LLC

represented by **Richard R Owens**

HALL BOOTH SMITH, P.C.
2001 Park Place North
Suite 870
Birmingham, AL 35203
205-533-9650
Email: rowens@hallboothsmith.com
ATTORNEY TO BE NOTICED

Defendant

Philips Holding USA Inc

represented by **Richard R Owens**
(See above for address)

Defendant

Philips RS North America LLC

represented by **Richard R Owens**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/30/2021	11	TEXT ORDER: The court GRANTS Defendants Philips North America LLC, Philips Holding USA, Inc., and Philips RS North America LLC's unopposed motion to stay proceedings pending a decision by the Judicial Panel on Multidistrict Litigation on a motion to transfer. (Doc. 5 ; see also doc. 8). Signed by Judge Annemarie Carney Axon on 8/30/2021. (KEK) (Entered: 08/30/2021)
08/27/2021	10	NOTICE OF REASSIGNMENT - The parties having not unanimously consented to the dispositive jurisdiction by a Magistrate Judge, the above styled civil action has been randomly reassigned to the Honorable Annemarie Carney Axon. Please use case number 2:21-cv-1009-ACA on all subsequent pleadings. (KEK) (Entered: 08/27/2021)
08/26/2021	9	RESPONSE to 5 MOTION to Stay <i>Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer</i> filed by Thomas C Davis. (Pope, Neal) Modified docket text on 8/26/2021 (MRR,). (Entered: 08/26/2021)
08/26/2021	8	TEXT ORDER: The appearing defendants have filed a motion to stay these proceedings in light of their motion to transfer, currently pending with the Judicial Panel on Multidistrict Litigation. (Doc. 5). The motion to stay indicates it is opposed by the plaintiff. The plaintiff is ORDERED to file any opposition to the motion to stay within seven (7) calendar days. The responsive pleading deadlines in this case are temporarily STAYED pending adjudication of the pending motion to stay. Signed by Magistrate Judge Staci G Cornelius on 8/26/21. (MRR,) (Entered: 08/26/2021)
08/20/2021	7	Corporate Disclosure Statement by Philips Holding USA Inc, Philips North America LLC, Philips RS North America LLC. filed by Philips Holding USA Inc, Philips North America LLC, Philips RS North America LLC (Owens, Richard) (Entered: 08/20/2021)
08/20/2021	6	Brief re 5 MOTION to Stay <i>Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer</i> filed by Philips Holding USA Inc, Philips North America LLC, Philips RS North America LLC. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B)(Owens, Richard) (Entered: 08/20/2021)
08/20/2021	5	MOTION to Stay <i>Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer</i> by Philips Holding USA Inc, Philips North America LLC, Philips RS North America LLC. (Owens, Richard) (Entered: 08/20/2021)
07/29/2021	4	Summons Issued as to Koninklijke Philips N.V., (certified in English and pursuant to the Hague), returned to pltf in SASE for service (MRR,) (Entered: 07/29/2021)
07/29/2021	3	Summons Issued as to Philips Holding USA Inc, Philips North America LLC, Philips RS North America LLC., returned to pltf in SASE for service (MRR,) (Entered: 07/29/2021)
07/23/2021	2	NOTICE REGARDING CONSENT to magistrate judge jurisdiction (MRR,) (Entered: 07/23/2021)
07/22/2021		Filing Fee: Filing fee \$ 402, receipt_number 1126-3889770 (B4601114778). related document 1 COMPLAINT against Koninklijke Philips N.V., Philips Holding USA Inc, Philips North America LLC, Philips RS North America LLC, filed by Thomas C Davis.

		(Attachments: # 1 Exhibit A) (MEB2). (Pope, Neal) Modified on 7/23/2021 (MRR,). (Entered: 07/22/2021)
07/22/2021	<u>1</u>	COMPLAINT against Koninklijke Philips N.V., Philips Holding USA Inc, Philips North America LLC, Philips RS North America LLC, filed by Thomas C Davis. (Attachments: # <u>1</u> Exhibit A) (MEB2) (Entered: 07/22/2021)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

STEPHEN STEWART, ON BEHALF OF HIMSELF AND
ALL OTHERS SIMILARLY SITUATED,

VERSUS

KONINKLIJKE PHILIPS N.V.; PHILIPS NORTH
AMERICA LLC; AND PHILIPS RS NORTH AMERICA
LLC

CIVIL ACTION

NO. 21-1355

SECTION "L" (2)

ORDER

Before the Court is a motion by Defendant Philips North America LLC to stay all proceedings in this action until the Judicial Panel on Multidistrict Litigation ("JPML") issues a decision on a pending motion to consolidate the lawsuits filed across the country making similar allegations concerning Philips' recall of certain sleep and respiratory care devices. R. Doc. 4-1. Plaintiff has no opposition or objection to the motion. R. Doc. 6. Accordingly,

IS IT ORDERED that Defendant's motion, R. Doc. 4, is **GRANTED** and this case is hereby **STAYED** pending the resolution of the MDL Motion in *In re: Philips Recalled CPAP, BiLevel PAP, and Ventilator Litigation*, MDL No. 3014 (J.P.M.L. filed July 7, 2021). The Clerk is directed to administratively close this case.

IT IS FURTHER ORDERED that if the MDL Motion is denied, the Parties shall file a motion to reopen this case to proceed with the litigation within fourteen (14) days of the denial of the MDL Motion.

New Orleans, Louisiana, this 19th day of August, 2021.



UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID POWELL, Sr., On Behalf Of : CIVIL ACTION
Himself and All Others Similarly Situated:

v.

KONINKLIJKE PHILIPS N.V., PHILIPS :
NORTH AMERICA LLC and :
PHILIPS RS NORTH AMERICA LLC : NO. 21-3412

ORDER

NOW, this 8th day of September, 2021, upon consideration of Defendants Philips North America LLC's and Philips RS North America LLC's Unopposed Motion to Stay Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer (Doc. No. 6) which the plaintiff does not oppose, it is ORDERED that the motion is GRANTED.

IT IS FURTHER ORDERED that this action is STAYED pending a decision by the Judicial Panel on Multidistrict Litigation regarding the Motion to Transfer.

/s/ TIMOTHY J. SAVAGE J.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

DIANA M. FARMER, individually on
Behalf of herself and all others similarly
Situated,

Plaintiff,

v.

CIVIL ACTION NO. 5:21-cv-00428

KONINKLIJKE PHILIPS N.V., PHILIPS
NORTH AMERICA LLC, and PHILIPS
RS NORTH AMERICA, LLC,

Defendants.

ORDER

Pending is Defendant Philips North America LLC’s Unopposed Motion to Stay Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer [Doc. 8], filed September 1, 2021. Philips North America LLC requests a stay pending the potential transfer of claims to MDL No. 3014, *In re: Philips Recalled CPAP, Bi-Level PAP, and Ventilator Litigation*. [Doc. 8 at 1]. The Joint Panel on Multidistrict Litigation currently has before it a Motion for Transfer and Coordination or Consolidation, which Philips North America LLC has joined. [See Doc. 8-1 at 5]. Philips North America LLC notes that Plaintiff Diana M. Farmer “does not oppose entry of the requested stay.” [Id. at 8].

For good cause shown, the Court **ORDERS** that this case is stayed and **RETIRED** to the inactive docket pending the MDL decision on a conditional transfer order. In the event the MDL panel decides not to grant the motion to transfer or not to file a conditional transfer order in the case, the parties are **DIRECTED** to inform the Court of such within 15 days of the MDL panel

decision.

The Court directs the Clerk to transmit a copy of this order to counsel of record and to any unrepresented party.

ENTERED: September 1, 2021




Frank W. Volk
United States District Judge

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

LISA MITROVICH, individually and on
behalf of herself and all others similarly
situated,

Plaintiff,

vs.

KONINKLIJKE PHILIPS N.V.,
PHILIPS NORTH AMERICA LLC, and
PHILIPS RS NORTH AMERICA LLC,

Defendants.

Case No. CV 21-5793-DMG (SPx)
**ORDER RE STIPULATION TO
STAY ACTION PENDING
DECISION BY THE JUDICIAL
PANEL ON MULTIDISTRICT
LITIGATION [14]**

1 This matter having come before the Court on the parties' Stipulation to Stay
2 Action Pending Decision by the Judicial Panel on Multidistrict Litigation (the
3 "Stipulation"), and good cause appearing:

4 IT IS HEREBY ORDERED that the Stipulation is APPROVED, and all
5 proceedings in this action are STAYED, including the filing of answers, motions to
6 dismiss, and other responsive pleadings by all parties, until further order of the
7 Court or after the Judicial Panel on Multidistrict Litigation ("JPML") issues a
8 decision on the Motion for Transfer and Coordination or Consolidation filed on
9 July 7, 2021, in *In re: Philips Recalled CPAP, Bi-Level PAP, and Ventilator*
10 *Litigation*, MDL No. 3014 (J.P.M.L. filed July 7, 2021) (ECF No. 1-1) (the "MDL
11 Motion") and issues a scheduling order for proceedings in a consolidated
12 multidistrict litigation. If the JPML issues an order denying the MDL Motion,
13 Defendants Koninklijke Philips N.V., Philips North America LLC, and Philips RS
14 North America LLC shall request that this Court lift the stay and they shall have 60
15 days from the date of the Order lifting the stay to answer or move to dismiss the
16 Complaint or any superseding Complaint in this action. This action is
17 administratively closed until the stay is lifted.

18
19 DATED: September 14, 2021


DOLLY M. GEE
UNITED STATES DISTRICT JUDGE

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARL BLEAKNEY,)
)
)
Plaintiff,)
) 2:21-cv-01188
v.)
)
PHILIPS RS NORTH AMERICA LLC,)
)
)
Defendant.)

MEMORANDUM ORDER

This is a products liability case removed to this Court from the Court of Common Pleas of Allegheny County (PA). It involves a “CPAP” device manufactured by the Defendant. The Plaintiff claims serious physical harm and risk of such harm from the past on any ongoing use of the device. They seek recovery for such in this Court. While the case was pending in state court, “paper” discovery was propounded by the Plaintiff, and in the ordinary course is soon due to be answered.

The Defendant has moved to stay this case in this Court until the Judicial Panel on Multi-District Litigation (“Panel”) decides whether this case, and currently dozens (and by all reports, soon hundreds or even thousands) of similar cases pending in this Court and in several others are to be addressed in the first instance in the “MDL” process. The Panel is scheduled to take that up at a hearing on September 30, 2021. Based on the Court’s review of the current filings with the Panel, there appears to be no opposition to “MDL” treatment of these cases, with any debate being confined to which federal court will be designated to handle those duties. This Court is one that has received a number of “nominations” to so serve in light of the fact that the Defendant’s manufacturing facility for the device is here. Also on the nomination list are the Eastern District of Pennsylvania, the District of Massachusetts (where many similar cases are pending), and the

District of New Jersey. While it is often folly to attempt to predict with precision what any court will do as to a given pending matter, experience teaches that there is a reasonably high likelihood that these cases will be designated for MDL handling, and even if not, that the Panel will resolve the pending request for designation quickly.

The Plaintiff opposes the stay request, principally on the grounds that this case is important, the harms alleged are real and significant, and that any delay will be prejudicial. Plaintiff also fears that if these cases are MDL-designated, there will be untold months of preliminary squabbling about “lead counsel” designation, administrative matters, a consolidated amended complaint, and the like. The Defendant argues that a stay, at least until the Panel makes its ruling, would allow this case, and presumably the hundreds/thousands likely to proceed in a more coherent and orderly fashion to final resolution. Thus, says the Defendant, any prejudice resulting from a stay for some period of time would either not exist, or would be substantially outweighed by allowing the MDL court to get started.

The Defendant has the better of the argument, at least for now. Everyone agrees that this Court has broad discretion to manage its docket, which includes staying a case for good cause. In the Court’s judgment, there will be little if any prejudice to staying this matter here to the earlier of October 31, 2021 or the date the Panel would decline to create an MDL for these cases. If the Panel so designates these cases for such treatment, the transferee court, which could be this one, would be in the best position to set the timing for further proceedings in this case. If that MDL designation does not occur, that approximately 45 day pause in this case, on the record before the Court, would not appear to generate any substantial prejudice, if any at all.

Therefore, the Motion for Stay is granted to the extent that all proceedings and filings or discovery obligations in this case are STAYED until the earlier of October 31, 2021 or the day that

the Panel would decline by Order to designate these cases for MDL treatment. Any party, or the Court on its own Motion, may seek to extend or modify the Stay for good cause shown. During the pendency of the stay, this action will be administratively closed on the Court's docket.

s/ Mark R. Hornak

Mark R. Hornak
Chief United States District Judge

Dated: September 17, 2021

cc: All counsel of record

CLOSED,STAYED

U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:21-cv-00862-MRH

HEILMAN v. KONINKLIJKE PHILIPS N.V. et al

Assigned to: Chief Judge Mark R. Hornak

related Cases: [2:21-cv-00874-MRH](#)

[2:21-cv-00930-MRH](#)

[2:21-cv-00962-MRH](#)

[2:21-cv-00975-MRH](#)

[2:21-cv-01008-MRH](#)

[2:21-cv-01188-MRH](#)

[2:21-cv-01034-MRH](#)

[2:21-cv-01030-MRH](#)

[2:21-cv-01045-MRH](#)

[2:21-cv-01073-MRH](#)

Date Filed: 07/05/2021

Date Terminated: 09/21/2021

Jury Demand: Plaintiff

Nature of Suit: 367 Personal Injury: Health Care/Pharmaceutical Personal Injury

Product Liability

Jurisdiction: Diversity

Cause: 28:1332 Diversity-Product Liability

Plaintiff

ELIZABETH HEILMAN

*individually and on behalf of all others
similarly situated*

represented by **Alex Michael Kashurba**

Chimicles Schwartz Kriner & Donaldson-Smith LLP

361 W. Lancaster Avenue

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610-642-8500

Email: amk@chimicles.com

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V.

Defendant

KONINKLIJKE PHILIPS N.V.

Defendant

PHILIPS NORTH AMERICA LLC

represented by **John P. Lavelle , Jr.**
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Philadelphia, PA 19103-2921
(215) 963-4824
Fax: (215) 963-5001
Email: john.lavelle@morganlewis.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

PHILIPS RS NORTH AMERICA LLC

represented by **John P. Lavelle , Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/05/2021	1	COMPLAINT against KONINKLIJKE PHILIPS N.V., PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC (Filing fee, including Administrative fee, \$402, receipt number APAWDC-6593328) filed by ELIZABETH HEILMAN. (Attachments: # 1 Civil Cover Sheet) (cel) (Entered: 07/07/2021)
07/07/2021	2	NOTICE of Appearance by Benjamin F. Johns on behalf of ELIZABETH HEILMAN. (Johns, Benjamin) (Entered: 07/07/2021)
07/08/2021	3	NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of the notice on all parties. (jad) (Entered: 07/08/2021)
07/08/2021	4	STANDING ORDER ON CIVIL MOTION PRACTICE. Signed by Chief Judge Mark R. Hornak on 7/8/21. (jad) (Entered: 07/08/2021)
07/08/2021	5	AT&T SCHEDULING NOTICE FOR ALL TELEPHONIC CONFERENCES. Every Telephonic Conference conducted will be via an AT&T call-in number which requires participants to dial-in and provide an access code. When a Telephonic Conference is scheduled you will be instructed to refer back to this Notice and use either Dial-In No. 1 or Dial-In No. 2, both of which are contained in this Notice. This document has a security setting of "Case Participants Only", so only those individuals will have access to view the document. (jad) (Entered: 07/08/2021)
07/08/2021	6	NOTICE of Appearance by Steven A. Schwartz on behalf of ELIZABETH HEILMAN. (Schwartz, Steven) (Entered: 07/08/2021)
07/09/2021	7	PRAECIPE to Issue Summons by ELIZABETH HEILMAN (Attachments: # 1 Summons, # 2 Summons, # 3 Summons) (Johns, Benjamin) (Entered: 07/09/2021)
07/13/2021	8	Summons Issued as to KONINKLIJKE PHILIPS N.V., PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC (sdp) (Entered: 07/13/2021)
07/15/2021	9	NOTICE of Appearance by Stephen J. Del Sole on behalf of ELIZABETH HEILMAN. (Del Sole, Stephen) (Entered: 07/15/2021)
07/15/2021	10	COMPLAINT Bossey et al v. Koninklijke Philips N.V. et al (Filing fee, including Administrative fee, \$402, receipt number APAWDC-6610033), filed by Mark Bossey, Hugo Barragan. (Attachments: # 1 Civil Cover Sheet) (Grunfeld, Kenneth) (Entered: 07/15/2021)
07/15/2021	11	NOTICE of Appearance by Patrick K. Cavanaugh on behalf of ELIZABETH HEILMAN. (Cavanaugh, Patrick) (Entered: 07/15/2021)
07/15/2021	12	NOTICE of Appearance by Arthur H. Stroyd, Jr on behalf of ELIZABETH HEILMAN. (Stroyd, Arthur) (Entered: 07/15/2021)
07/15/2021		CLERK'S OFFICE QUALITY CONTROL MESSAGE re 10 COMPLAINT. ERROR: Document filed in wrong case. CORRECTION: New complaints are to be filed in Misc. 05-2025.. The incorrect submission will remain on the docket unless otherwise ordered by the Court. This message is for informational purposes only. (sdp) (Entered: 07/15/2021)
09/17/2021	13	NOTICE of Appearance by John P. Lavelle, Jr on behalf of PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC. (Lavelle, John) (Entered: 09/17/2021)

09/17/2021	14	Disclosure Statement identifying Koninklijke Philips Naamloze Vennootschap; Philips RS North America Holding Corporation; Philips Holding USA Inc. as corporate parent or other affiliate, by PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC. (Lavelle, John) (Entered: 09/17/2021)
09/17/2021	15	MOTION to Stay <i>Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer</i> by PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC. (Attachments: # 1 Proposed Order) (Lavelle, John) (Entered: 09/17/2021)
09/17/2021	16	BRIEF in Support re 15 Motion to Stay filed by PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC. (Attachments: # 1 Exhibit A) (Lavelle, John) (Entered: 09/17/2021)
09/20/2021	17	ORDER. On or before 9/24/21, counsel for the Plaintiff shall respond to 15 Motion to Stay. Signed by Chief Judge Mark R. Hornak on 9/20/21. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 09/20/2021)
09/20/2021	18	RESPONSE IN OPPOSITION (<i>Partial</i>) to 15 Motion to Stay, filed by ELIZABETH HEILMAN. (Attachments: # 1 Exhibit, # 2 Proposed Order) (Stroyd, Arthur) (Entered: 09/20/2021)
09/20/2021	19	BRIEF in Opposition to 18 Response in Opposition, 17 Order,, Set Deadlines, 15 MOTION to Stay <i>Proceedings Pending a Decision by the Judicial Panel on Multidistrict Litigation on a Motion to Transfer</i> , 16 Brief in Support of Motion, (<i>Partial</i>) filed by ELIZABETH HEILMAN. (Stroyd, Arthur) (Entered: 09/20/2021)
09/20/2021	20	SCEDULING ORDER. A Telephonic Status Conference is hereby SCHEDULED for 9/21/21 at 10:00 AM before Chief Judge Mark R. Hornak. Please refer to 5 AT&T Scheduling Notice and use dial-in no. 1 for this conference. Signed by Chief Judge Mark R. Hornak on 9/20/21. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 09/20/2021)
09/20/2021	21	NOTICE - <i>Letter to Chief Judge Hornak</i> by PHILIPS NORTH AMERICA LLC, PHILIPS RS NORTH AMERICA LLC re 19 Brief in Opposition - Other, 18 Response in Opposition, 15 Motion to Stay (Attachments: # 1 Attachment to 9/20/2021 Letter) (Lavelle, John) (Entered: 09/20/2021)
09/21/2021	22	Minute Entry for proceedings held before Chief Judge Mark R. Hornak: Telephonic Status Conference held on 9/21/21. (Court Reporter: Sharon Siatkowski) (jad) (Entered: 09/21/2021)
09/21/2021	23	ORDER STAYING CASE. The Defendant's 15 Motion for Stay is GRANTED on the following terms. This action is STAYED and all filing or other similar obligations of the parties are held in abeyance pending further Order of this Court, or any applicable transferee court should the action be designated for Multi-District Litigation by the Judicial Panel. The stay is without prejudice to any claim or defense of any party or person, and it shall not operate to bar any party from seeking relief from this or a transferee court in the event the need for such arises during the period of stay and which relief is of an urgent nature requiring immediate judicial action. This stay may be modified or vacated on the motion of any party or of the Court (by this Court or a transferee court) made at any time for cause shown. This stay does not impair the authority of any party by counsel to engage in the meet and confer process as to any matter germane to this action. This action will be administratively CLOSED on this Court's docket during the period of the stay, without prejudice. Signed by Chief Judge Mark R. Hornak on 9/21/21. Text-only

entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 09/21/2021)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MICHAEL WALKER

CIVIL ACTION

VERSUS

NO. 21-1472

KONINKLIJKE PHILIPS NV, ET AL.

SECTION A(4)

ORDER

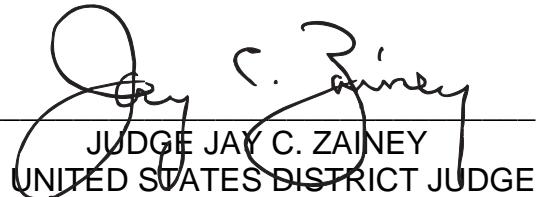
The Court having been advised that Plaintiff has no opposition to Defendants' motion to stay this matter pending a decision by the Judicial Panel on Multidistrict Litigation,

Accordingly;

IT IS ORDERED that the **Motion to Stay (Rec. Doc. 6)** is **GRANTED**. This matter is **STAYED** pending action by the Judicial Panel on Multidistrict Litigation;

IT IS FURTHER ORDERED that the Clerk of Court mark this action **CLOSED** for statistical reporting purposes.

September 28, 2021



JUDGE JAY C. ZAINY
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

STEVE VAN HORN,
Plaintiff,

v.

Civil Action No. 3:21cv526

PHILIPS NORTH AMERICA,
LLC, et al.,
Defendants.

ORDER

This matter comes before the Court on Philips North America, LLC’s (“PNA”) motion to stay pending a decision by the Judicial Panel on Multidistrict Litigation (“JPML”) on a motion to transfer under 28 U.S.C. § 1407 and, if applicable, the JPML’s issuance of a scheduling order for proceedings in a consolidated multidistrict litigation (“MDL”) action. (ECF No. 9.) On August 13, 2021, Steve Van Horn filed a complaint against PNA, Koninklijke Philips N.V., Philips RS North America, and DOES 1-100 (“the defendants”) asserting strict liability, negligence, and breach of warranty claims following a recall of the defendants’ products. (ECF No. 1.) According to PNA, plaintiffs in more than 80 other cases have filed suits making similar allegations and claims concerning the same recall. (ECF No. 9-1, at 4.) The JPML will hold a hearing on the motion for transfer and coordination or consolidation of these cases on Thursday, September 30, 2021. (ECF No. 9, at 1; ECF No. 9-1, at 6.)

Upon due consideration, and for the purposes of judicial efficiency and economy, the Court GRANTS the motion to stay. The Court STAYS all proceedings and deadlines in this case until the JPML resolves the pending motion for transfer and coordination or consolidation. The Court

DIRECTS PNA to file a report with the Court within thirty days of the date of this Order on the status of the JPML proceedings or within one day of the JPML's decision on the motion, whichever is sooner.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: 30 September 2021
Richmond, VA

/s/ 
John A. Gibney, Jr.
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Clarence Dale Means,

Case No. 21-cv-1916 (PJS/DTS)

Plaintiff,

ORDER STAYING CASE

v.

Koninklijke Philips N.V., et al.,

Defendants.

Defendants filed an unopposed Motion to Stay [Dkt. No. 6] pending a decision by the Judicial Panel on Multidistrict Litigation on a motion to transfer. **IT IS HEREBY**

ORDERED:

1. Defendants' Motion to Stay [Dkt. No. 6] is **GRANTED**.
2. This matter and all deadlines, including deadlines for filing of any responsive pleadings by all parties are stayed until further order of the Court.
3. The parties shall submit a joint status report to the Court every 60 days beginning **November 30, 2021**, until the Judicial Panel on Multidistrict Litigation (JPML) issues a decision on the motion for transfer filed on July 7, 2021, in *In re: Philips Recalled CPAP, Bi-Level PAP, and Ventilator Litigation*, MDL No. 30114 (J.P.M.L. filed July 7, 2021) (Dkt. No. 1-1).
4. The parties shall notify the Court within ten (10) days of the JPML's decision on the MDL Motion and the issuance of a scheduling order.

Dated: October 8, 2021

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
CIVIL ACTION NO. 3:21-CV-00485-BJB-RSE

GAYLA GRAHAM, et al.

PLAINTIFFS

VS.

RESPIRONICS, INC., et al.

DEFENDANTS

ORDER

Before the Court is a Motion to Stay Proceedings submitted by Defendants Resironics, Inc.; Philips RS North America, LLC; Gould's Discount Medical, Inc.; and Gould's Discount Medical, LLC ("Defendants"). (DN 8). After the Court entered an agreed order extending the briefing deadlines, Plaintiffs Gayla and Robert Graham ("Plaintiffs") responded in opposition (DN 18) and Defendants replied (DN 21). Defendants later supplemented their motion. (DN 25). Pursuant to 28 U.S.C. § 636(b)(1)(A), the District Judge referred this matter to the undersigned United States Magistrate Judge for hearing and determining all pretrial matters, including non-dispositive motions. (DN 12). Fully briefed, this matter is ripe for review.

I.

On June 14, 2021, Defendant Philips RS North America voluntarily recalled several medical devices used to treat certain sleep and respiratory conditions. Among the recalled devices was the Phillips DreamStation CPAP machine, which Plaintiff Gayla Graham had been using since 2018. (DN 1-1, at PageID # 27). In January 2018, Ms. Graham was diagnosed with Sinonasal Undifferentiated Carcinoma, which she claims was caused by her ingestion of toxic and carcinogenic substances from foam degradation that prompted the DreamStation's recall. (*Id.*). Ms. Graham, together with her husband, brought this products liability action in Jefferson Circuit

Court on June 25, 2021. (*See generally* DN 1-1). The Defendants removed the case to this Court on July 27, 2021. (DN 1).

According to Defendants, at least 32 other lawsuits have been filed concerning the recalls and asserting similar claims. (DN 8-1, at PageID # 95). In one of those actions,¹ the plaintiff sought to centralize the related actions by filing a Motion for Transfer and Coordination or Consolidation with the Judicial Panel on Multidistrict Litigation (“Judicial Panel”). On August 2, 2021, Defendants filed the instant Motion seeking a stay of the proceedings until a decision by the Judicial Panel was issued. (DN 8). On October 8, 2021, the Judicial Panel issued an order consolidating related class action and individual personal injury cases for pretrial purposes and ordering their transfer to the Western District of Pennsylvania. (DN 25-1, at PageID # 538–542). Plaintiffs have tendered a Notice of Opposition to the Conditional Transfer Order as it relates to this action and expressed their intent to file a motion to vacate the order. (DN 26-1).

II.

The power to stay proceedings is well within the discretion of the trial court. *F.T.C. v. E.M.A. Nationwide, Inc.*, 767 F.3d 611, 626 (6th Cir. 2014). Such authority “is incidental to the power inherent in every court to control the disposition of the causes in its docket with economy of time and effort for itself, for counsel and for litigants[.]” *Id.* (citing *Landis v. North American Co.*, 299 U.S. 248, 254 (1936)). In ruling on a motion to stay proceedings, courts consider “(1) the interests of judicial economy; (2) hardship and inequity to the moving party if the action is not stayed; and (3) potential prejudice to the non-moving party.” *City of Henderson, Kentucky v. Purdue Pharma L.P.*, No. 3:19-CV-00067-GFVT, 2020 WL 428112, at *3 (E.D. Ky. Jan. 27, 2020).

¹ *Thomas Starner v. Koninklijke Philips, N.V., et al.*, No. 2:21-CV-2925-TJS (E.D. Pa.).

Although a decision has been rendered by the Judicial Panel, the parties' arguments for and against a stay remain applicable while an order on Plaintiffs' Motion to Vacate the Conditional Transfer Order is pending. (*See* DN 26-1). Defendants argue a stay is necessary to avoid unnecessary effort and expense by the parties and the Court if the decision to consolidate this action with the related matters for pre-trial proceedings is affirmed over Plaintiffs' objections. (DN 8-1, at PageID # 99, 100). They contend that Plaintiffs will not be harmed by a stay because the case has made little progress thus far and any stay would be brief. (*Id.* at PageID # 98).

Plaintiffs oppose Defendants' Motion to Stay because they believe this action is "jurisdictionally exempt" from the Judicial Panel's opinion. (DN 18, at PageID # 392). Plaintiffs maintain that this action belongs in state court and have moved for remand (DN 16), which is pending before the District Judge. They position that the federal multidistrict litigation statute governs federal actions, and because subject matter jurisdiction is lacking here an order from the Judicial Panel would be inconsequential. (DN 18, at PageID # 392).

In reply, Defendants note that Plaintiffs do not contest the merits of their motion but rely instead on their arguments for remand in opposing a stay. (DN 21, at PageID # 401). For this reason, Defendants argue Plaintiffs have conceded that a stay is appropriate. (*Id.* at PageID # 399). Defendants reiterate their position that a stay will not prejudice the Plaintiffs, that Defendants would suffer harm without one, and that judicial economy supports entry of a stay pending a final decision from the Judicial Panel. (*Id.* at PageID # 401).

The Court agrees that a stay of proceedings is appropriate until the Judicial Panel issues a final decision on Plaintiffs' Motion to Vacate. Absent a stay, Defendants would be forced to litigate duplicative matters unnecessarily should the Judicial Panel uphold its Conditional Transfer Order as it pertains to this case. This would result in the expenditure of significant costs for all parties

and, as Defendants noted, “defeat the efficiency that MDL proceedings were designed to achieve.” (DN 8-1, at PageID # 99). Moreover, Plaintiffs have not demonstrated that a stay would prejudice them. Their response merely attacks the validity of any ruling by the Judicial Panel and emphasizes their arguments for remand. (DN 18, at PageID # 392–93). The Court finds that the parties and the Court will benefit from a stay, as proceeding with discovery here would waste time and resources if pre-trial proceedings are ultimately consolidated and the related matters transferred to the Western District of Pennsylvania.

III.

IT IS THEREFORE ORDERED that Defendants’ Motion to Stay Proceedings (DN 8) is **GRANTED**. All proceedings in this matter are stayed pending a final ruling from the Judicial Panel on Plaintiffs’ Notice of Opposition and/or Motion to Vacate the Conditional Transfer Order.



Regina S. Edwards, Magistrate Judge
United States District Court

Copies: Counsel of Record

January 19, 2022

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

DARRYL HANDLEY

PLAINTIFF

v.

Case No. 4:22-cv-00220 KGB

KONINKLIJKE PHILIPS N.V., et al.

DEFENDANTS

ORDER

Before the Court is defendants Philips RS North America LLC (“Philips RS”), Philips Holding USA, Inc. (“Philips Holding”), and Philips North America LLC’s (“Philips North America”) (collectively “Defendants”) unopposed motion to stay proceedings in this action including filing of answers, motions to dismiss, and any other pleadings by all parties, pending finalization of the order entered by the Judicial Panel on Multidistrict Litigation (“JPML”) conditionally transferring this action to *In re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Liability Litigation*, Case No. 2:21-md-01230 (W.D. Pa.) (JFC) (hereinafter “the MDL”) (Dkt. No. 4). This case was removed to the Eastern District of Arkansas on March 10, 2022 (Dkt. No. 1). The case was identified as a tag-along action to the MDL on March 11, 2022, and the JPML entered a Conditional Transfer Order transferring the case to the MDL on March 14, 2022 (Dkt. Nos. 5, at 2; 5-2). Defendants contend there is good cause to stay proceedings in the light of the pending transfer of this action to the MDL (Dkt. No. 5, at 2). Defendants provide examples of other courts that have entered stays in similar cases (Dkt. No. 5-3).

This Court may, in its discretion, stay proceedings before it pending resolution of a motion brought pursuant to 28 U.S.C § 1407. “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time

and effort for itself, for counsel, and for litigants.” *Cottrell v. Duke*, 737 F.3d 1238, 1248 (8th Cir. 2013) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)); *see also Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (same). Further, “[a] district court has broad discretion to stay proceedings when doing so is appropriate to control its docket.” *Sierra Club v. U.S. Army Corps of Eng’rs*, 446 F.3d 808, 816 (8th Cir. 2006)). “A Court may properly stay an action where the following criteria are met: (1) the stay does not prejudice the non-movant; (2) the movant would suffer hardship and inequity without a stay; and (3) the stay serves the interests of judicial economy and efficiency.” *Adams v. Tyson Foods, Inc.*, 2007 WL 1539325, at *1 (W.D. Ark. May 25, 2007) (citing *Rivers*, 980 F. Supp. at 1358).

The Court concludes that a stay is appropriate in this action. First, any stay in this action will be brief, and the plaintiff Darryl Handley does not oppose the stay; neither party will be prejudiced if the Court stays the case (Dkt. No. 4). Second, Defendants plausibly allege that they would suffer hardship and inequity if the Court does not stay the case by having to litigate matters in multiple venues and receive potentially conflicting rulings. Third, a stay would result in the conservation of judicial resources because of the potential that the Court expends significant time and effort on matters that will be duplicated when the action is transferred to the MDL.

For good cause shown, the Court grants Defendants’ unopposed motion to stay proceedings until the JPML transfers the case to the MDL (Dkt. No. 4).

It is so ordered this the 17th day of March, 2022.



Kristine G. Baker
United States District Judge